

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

HAROLD NOEL,

Plaintiff,

v.

NURSE LISA SHAW, *et al.*,

Defendants.

No. 4:25-CV-00163

(Chief Judge Brann)

**ORDER**

**AND NOW**, this 29<sup>th</sup> day of April 2025, in accordance with the accompanying Memorandum, **IT IS HEREBY ORDERED** that:

1. Plaintiff's Section 1983 claims are **DISMISSED** for failure to state a claim under 28 U.S.C. § 1915A(b)(1), as follows:
  - a. Plaintiff's Section 1983 Eighth Amendment claim of deliberate indifference to serious medical needs is **DISMISSED** without prejudice pursuant to Section 1915A(b)(1) for failure to state a claim upon which relief may be granted.
  - b. Plaintiff's First Amendment retaliation claim is **DISMISSED** with prejudice pursuant to Section 1915A(b)(1) for failure to state a claim upon which relief may be granted.
  - c. Plaintiff's Section 1983 conspiracy claim is **DISMISSED** with prejudice pursuant to Section 1915A(b)(1) for failure to state a claim upon which relief may be granted.
2. The Court declines to exercise supplemental jurisdiction over Plaintiff's state-law battery claim.

3. Within 21 days of the date of this Order, Plaintiff, if desired, may file an amended complaint in accordance with the accompanying Memorandum. Plaintiff must adhere to the specific directions for amendment provided in the accompanying Memorandum or the amended pleading will be stricken or summarily dismissed.
4. If no amended complaint is timely filed, dismissal of Plaintiff's Eighth Amendment claim will automatically convert to dismissal with prejudice and the Court will CLOSE this case.

BY THE COURT:

*s/ Matthew W. Brann*

Matthew W. Brann

Chief United States District Judge